

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ADAM RODRIGUEZ,

Case No. 2:20-cv-01251-RFB-NJK

Plaintiff,

ORDER

v.

CORE CIVIC,

Defendants.

This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983. On January 22, 2021, this Court issued an order directing Plaintiff to file his updated address with this Court within thirty (30) days. (ECF No. 8.) The thirty-day period has now expired, and Plaintiff has not filed his updated address or otherwise responded to the Court's order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 In determining whether to dismiss an action for lack of prosecution, failure to obey
2 a court order, or failure to comply with local rules, the court must consider several factors:
3 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
4 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
5 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
6 Thompson, 782 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833 F.2d at 130;
7 Ferdik, 963 F.2d at 1260-61; Ghazali, 46 F.3d at 53.

8 In the instant case, the Court finds that the first two factors, the public's interest in
9 expeditiously resolving this litigation and the Court's interest in managing the docket,
10 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs
11 in favor of dismissal, since a presumption of injury arises from the occurrence of
12 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See
13 Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy
14 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor
15 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
16 the court's order will result in dismissal satisfies the "consideration of alternatives"
17 requirement. Ferdik, 963 F.2d at 1262; Malone, 833 F.2d at 132-33; Henderson, 779
18 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
19 Court within thirty (30) days expressly stated: "if Plaintiff fails to timely comply with this
20 order, the Court shall dismiss this case without." (ECF No. 8 at 2.) Thus, Plaintiff had
21 adequate warning that dismissal would result from his noncompliance with the Court's
22 order to file his updated address within thirty (30) days.

23 It is therefore ordered that this action is dismissed without prejudice based on
24 Plaintiff's failure to file an updated address in compliance with this Court's January 22,
25 2021 order. If Plaintiff wishes to pursue any of his claims, he must file a complaint in a
26 new action.

27 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 6)
28 is denied as moot.

1 It is further ordered that the Clerk of Court shall enter judgment accordingly and
2 close this case.

3 It is further ordered that the Plaintiff may move to reopen this case and vacate the
4 judgment by filing a motion for reconsideration of this order. In this motion, the Plaintiff
5 would need to explain that circumstances which led to him not being able to update his
6 address as directed by the Court. If the Court finds there is good cause or a reasonable
7 explanation for the failure to update the address, the Court will reopen the case and
8 vacate the judgment.

9
10 DATED THIS 13th day of April, 2021.

11
12 
13 RICHARD F. BOULWARE, II
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28